

In re Application of: McKenney et al.  
Application No.: 10/038,572  
Atty Docket No.: 27398.00 (ERID 0701)

Examiner: Gerardo Araque, Jr.  
Art Unit: 3629

### **REMARKS**

Claims 1-25 are pending. Applicants have amended Claims 1, 2, 6, 8, 16, 22, 24, and 25 and have cancelled Claims 12 and 23. Thus, Applicants respectfully request reconsideration of Claims 1-11, 13-22, and 24-25 in light of the present Amendments and Remarks.

### **Drawings**

The originally filed drawing sheets have been objected to as being informal. Applicants have submitted formal replacement drawing sheets, each labeled "Replacement Sheet," in response to the Office Action. Applicants respectfully request acceptance of the formal replacement drawing sheets.

### **Oath/Declaration**

The Oath/Declaration has been objected to as being defective because it does not include the mailing address of each inventor. Inventor mailing addresses may be provided in an application data sheet. See 37 C.F.R. §1.76. As originally filed, Applicants provided an application data sheet, including the mailing addresses of each inventor. A copy of the application data sheet as originally filed is attached hereto as Appendix 2. Thus, Applicants respectfully request acceptance of the Oath/Declaration as originally filed.

### **Specification**

The Abstract has been objected to as containing more than 150 words. Applicants have amended the Abstract to remove some wording. The Abstract now contains less than 150 words. Thus, Applicants respectfully submit that the Abstract is in an acceptable form and request withdrawal of the objection to the Abstract.

**Claims – 35 U.S.C. § 112**

Claims 1-5 and 18-25 have been rejected as based on a disclosure which is not enabling. However, Applicants submit that one of ordinary skill in the art would be able to make and use the invention as claimed in the present application, as amended, without *undue* experimentation. In particular, Claim 1 has been rejected in view of the phrase selecting the appropriate data for a given emergency situation. The first listed step of Claim 1 is directed to collecting facility data including at least one of a photograph, a spherical image, a site plan, a floor plan, chemical storage data, and/or on-site fire equipment location information, and resource data including at least one of resource type, resource location and/or resource availability, which can be used to respond to an emergency situation. The facility data and resource data is then stored in memory and the facility data is organized in a both a hierarchy and across spatial diagrams. Claim 1 then requires selecting data within said hierarchy and said spatial diagrams necessary to assess said emergency situation. As provided in the previous step, this information can include photographs, spherical images, site plans, floor plans, chemical storage data, and/or on-site fire equipment location information. One ordinary skill in the art would understand that given access to this information, selecting one or more of this type of information can assist in responding to the emergency. For example, if a fire was in an auditorium of high school, emergency personnel being provided with this information would understand that selecting to view a map of the building would help them in being able to respond to the emergency. Thus, Applicants respectfully request that the present rejection be withdrawn.

In addition, Claim 3 and 18 have been rejected in view of the use of the terms logistics module, operations module, and planning module. Each of the modules are adequately described

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to one of ordinary skill in the art to make and use the invention, without undue experimentation, in at least paragraphs [0046]-[0048] for the logistics module, paragraphs [0049]-[0053] for the operations module, and paragraphs [0025] and [0064]-[0083] for the planning module, as well as this information in view of the drawings and claims as originally filed. Thus, Applicants respectfully request that the present rejection be withdrawn.

Further, Claim 1 has been rejected for a lack of clarity as to whether data referred to in prior steps is being updated. Applicants have amended Claim 1 to require updating said data “in said memory,” to make clear that Applicants are referring to the previously stated data. Thus, Applicants respectfully request that the present rejection be withdrawn.

In addition, Claim 23 has been rejected for a lack of clarity. Claim 23 has been canceled. Thus, Applicants respectfully request that the present rejection be withdrawn.

### **Claims – 35 U.S.C. § 101**

Claim 1 has been rejected for failing to produce a “concrete” result in relation to the use of the phrase selecting the appropriate data for a given emergency situation. As mentioned above, the first listed step of Claim 1 is directed to collecting facility data including at least one of a photograph, a spherical image, a site plan, a floor plan, chemical storage data, and/or on-site fire equipment location information, and resource data including at least one of resource type, resource location and/or resource availability, which can be used to respond to an emergency situation. The facility data and resource data is then stored in memory and the facility data is organized in a both a hierarchy and across spatial diagrams. Claim 1 then requires selecting data within said hierarchy and said spatial diagrams necessary to assess said emergency situation. As provided in the previous step, this information can include photographs, spherical images, site

plans, floor plans, chemical storage data, and/or on-site fire equipment location information.

One ordinary skill in the art would understand that given access to this information, selecting one or more of this type of information can assist in responding to the emergency. The invention as a whole must satisfy the concrete and tangible result requirement of section 101, not each individual claim element. Claim 1 also requires providing an interface comprising the checklist and list of resources for use by the emergency response team relative to the type of emergency situation. Even if the previous step does not provide a concrete and tangible result, the providing an interface step certainly does provide a concrete and tangible result, as required by section 101. Thus, Applicants respectfully request that the present rejection be withdrawn.

**Claims – 35 U.S.C. §§ 102 and 103(a)**

Claims 1-7, and 9-25 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0056435A, published to Quick. Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Quick in view an Associated Realty Property Management (ARPM) internet reference.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §102(b), Quick discloses a system and method which enables the collection, management and dissemination of information needed by emergency response personnel to the emergency response personnel between the receipt of a call for help and the arrival at the scene of the emergency. The information needed by emergency response personnel may be disseminated either pre-incident or post-incident to facilitate planning, analysis, and decision making with regard to the effective use of resources for both risk avoidance and risk management. The information included in the can include information identifying a facility, information identifying hazardous materials stored at

the facility, information specifying the location of the hazardous materials stored at the facility; information describing the chemical properties of the hazardous materials stored at the facility, information concerning facility details, layouts, access/egress routes and other site-related information. The information can also include locations of people/animals that may be harmed if attention is not paid to them, such as the location of a person with infirmities, the location of a child or children, the location of pets or livestock, and other site-specific details such as gas, electric and water cut-offs, as well as designated meeting places determined by the occupants. Emergency personnel can be provided access to the information in the database using a wireless or other communication device. This immediate access to information in the database enables the emergency response personnel to review information on the location which has already been reported a variety of public entities, decide the best course of action, outfit themselves with the proper protective clothing and gather the necessary equipment to protect themselves, be most effective at the scene of the emergency, and waste no time addressing the threats to people and property once at the scene of the emergency.

By contrast, Applicants have amended Claim 1, which now requires collecting facility data, and separately collecting resource data including at least one of resource type, resource location and /or resource availability, which can be used to respond to an emergency situation. As provided in the specification and dependent claims, resources can be things like personnel or supplies used in responding to an emergency, which are disconnected to any particular facility or emergency site. This resource data is stored in a memory. Claim 1 also requires preparing a response to the emergency including preparing a checklist of actions to be taken and a list of resources needed for the emergency situation, such as personnel needed by skill area and

supplies needed to respond to the emergency situation. The checklist and list of resources is provided to emergency personnel through an interface. Quick neither teaches nor enables at least each of these limitations in amended Claim 1. As a result, Applicants respectfully submit that they have overcome the basis for rejection of Claim 1. Reconsideration and withdrawal of the rejection of Claim 1, as amended, is requested.

Regarding the rejection of independent Claim 16 under 35 U.S.C. §102(b) in view of Quick, Claim 16 also requires collecting resource data relative to an emergency situation, inputting data relative to the known characteristics of said emergency situation, including at least resources needed to respond to the emergency situation, generating a response to said emergency situation, including identifying a list of actions needed to respond to the emergency situation and resources needed to respond to the emergency situation, and providing the list of actions needed to respond to said emergency situation and the resources needed to respond to said emergency situation through an interface. Quick neither teaches nor enables at least each of these limitations in amended Claim 16. As a result, Applicants respectfully submit that they have overcome the basis for rejection of Claim 16. Reconsideration and withdrawal of the rejection of Claim 16, as amended, is requested.

With respect to the remaining rejections under 35 U.S.C. §§102 and 103, insofar as Claims 2-11, 13-15, 17-22 and 24-25 each depend from Claims 1 and 16, which themselves should be deemed allowable, Claims 2-11, 13-15, 17-22 and 24-25 should also be allowable. Reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Applicants respectfully submit that they have placed all of Claims 1-11, 13-22 and 24-25 in condition for allowance. Early notification of allowance is respectfully requested. The

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Commissioner is authorized to charge any fees, or credit any overpayments, to Deposit Account No. 502261. The Examiner is invited to contact the undersigned if the Examiner feels a telephone conference would expedite the allowance of the present application.

Respectfully submitted,

Date: October 6, 2006

/James P. Muraff/

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**Certificate of Electronic Transmission Under 37 CFR §1.8:** I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office using the EFS-Web System on October 6, 2006.

/Elizabeth A. Kostiuk/

NGEDOCs: 1333998.1

## **APPENDIX 1**